

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 11-2000)

ATTORNEY DOCKET NUMBER

22253-67116 PCT/US

10/009581

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.
(If known, see 37 CFR 1.5)
10/009,581

INTERNATIONAL APPLICATION NO.
PCT/US00/12551

INTERNATIONAL FILING DATE
08 May 2000 (08.05.2000)

PRIORITY DATE CLAIMED
07 May 1999 (07.05.1999)

TITLE OF INVENTION

METHODS FOR CONTROLLING INTRAOCULAR PRESSURE

APPLICANT(S) FOR DO/EO/US

Mortimer M. CIVAN; Anthony D. MacKNIGHT

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has not expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 ©(3)).
9. ☒ An oath or a declaration of the inventor(s) (35 U.S.C. 371 (c)(4)) **(EXECUTED)**
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ **Other items or information: PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service on April 30, 2002 in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. EL929340708US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

KAREN M. SPINA

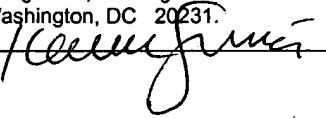
U.S. APPLICATION (If known, see 37 CFR 1.5) 10/009,581		INTERNATIONAL APPLICATION NO. PCT/US00/12551		ATTORNEY DOCKET NUMBER 22253-67116 PCT US	
<input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 International preliminary examination fee (37 CFR 1.482 not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO But international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33 (1)-(4)..... \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4)..... \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 <input type="checkbox"/> 30 <input type="checkbox"/> Months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS REMAINING AFTER AMENDMENT	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	57 - 20 =	37	X \$18.00	\$666	
Independent claims	4 - 3 =	1	X \$84.00	\$ 84	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$1620	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$810	
Processing fee of \$130.00 for furnishing the English translation later than 20 <input type="checkbox"/> 30 <input type="checkbox"/> Months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$810	
<input type="checkbox"/> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$	
<input type="checkbox"/> Petition and Fee for Extension of Time under 37 CFR 1.136(a) are enclosed.					
<input checked="" type="checkbox"/> PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) and fee (37 CFR 1.17(m)) are enclosed.				\$640	
TOTAL FEES ENCLOSED =				\$1450	
05/06/2002 SHARRO 00000127 10009501					
01 FC:959 370.00 OP 02 FC:254 65.00 OP 03 FC:967 333.00 OP 04 FC:965 22.00 OP				Amount to be refunded: \$	
				Charged: \$	
a. <input checked="" type="checkbox"/> Check No. 178641 totalling the amount of \$1450 to cover the above fees are enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. <u>50-0979</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0979</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
e. <input type="checkbox"/> No fees are to be paid at this time.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Evelyn H. McConathy, Esquire DILWORTH PAXSON LLP 3200 Mellon Bank Center, 1735 Market Street Philadelphia, PA 19103-7595 Tel.: (215) 575-7000					
DATE: April 30, 2002				SIGNATURE <u>Evelyn H. McConathy</u> NAME: Evelyn H. McConathy REGISTRATION NUMBER: 35,279	

PTO/1390 REV 11-2000
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. § 371		ATTORNEY DOCKET NO. 22253-67116 PCT US
		U.S. APPLICATION NO. 10/009,581
INTERNATIONAL APPLICATION NO. PCT/US00/12551	INTERNATIONAL FILING DATE 08 May 2000 (08.05.2000)	PRIORITY DATE CLAIMED 07 May 1999 (07.05.1999)
TITLE OF INVENTION METHODS FOR CONTROLLING INTRAOCULAR PRESSURE		
APPLICANT(S) FOR DO/EO/US Mortimer M. CIVAN; Anthony D. MacKNIGHT		

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service on April 30, 2002, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number EL929340708US addressed to the: Assistant Commissioner for Patents, Washington, DC 20231.

Karen Spina 

BOX PCT
ATTN: DO/EO/US
Assistant Commissioner for Patents
Washington, DC 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

Applicant hereby petitions for revival of this application.

1. Attached:
 - ☒ Petition Fee
Small Entity Fee \$640.00 (37 CFR 1.17(m))
 - ☒ U.S. Basic National Fee
Small Entity Fee \$745.00 (37 CFR 1.492)
 - ☒ Preliminary Amendment
 - ☒ Formalities required to complete National Phase entry
 - ☒ Surcharge (Small Entity Fee \$65) for furnishing Declaration/Oath later than 30 months from the priority date (37 CFR 1.492)
 - ☒ Declaration/Power of Attorney executed by inventors (35 USC 371)

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2. Statement that the entire delay was unintentional:

The entire delay in filing the US Basic National Fee from the expiration of 30 months from the priority date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

3. FEE PAYMENT

The fee required is paid as follows:

[X] Check No. 178641 is enclosed to cover the petition fee under 37 CFR § 1.17(m), filing fees under 37 CFR § 1.17(i), and surcharge (37 CFR 1.492(f)). Please charge any deficiency or credit any overpayment to Deposit Account No. 50-0979.

[X] The Commissioner is hereby authorized to charge any additional fees associated with this submission to Deposit Account No. 50-0979. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 30, 2002

Evelyn H. McConathy
Evelyn H. McConathy
Registration No. 35,279

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